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II

110TH CONGRESS
1ST SESSION

S. 2115

To amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2007

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

- 4 This Act may be cited as the "Medicare Preventive
5 Services Coverage Act of 2007".

1 **SEC. 2. EXTENDING THE ELIGIBILITY PERIOD FOR A “WEL-**
 2 **COME TO MEDICARE” PHYSICAL EXAMINA-**
 3 **TION FROM SIX MONTHS TO ONE YEAR.**

4 (a) IN GENERAL.—Section 1862(a)(1)(K) of the So-
 5 cial Security Act (42 U.S.C. 1395y(a)(1)(K)) is amended
 6 by striking “6 months” and inserting “1 year”.

7 (b) EFFECTIVE DATE.—The amendment made by
 8 subsection (a) shall apply to initial preventive physician
 9 examinations performed on or after January 1, 2008.

10 **SEC. 3. COVERAGE AND WAIVER OF COST-SHARING FOR**
 11 **PREVENTIVE SERVICES.**

12 (a) PREVENTIVE SERVICES DEFINED; COVERAGE OF
 13 ADDITIONAL PREVENTIVE SERVICES.—Section 1861 of
 14 the Social Security Act (42 U.S.C. 1395x) is amended—

15 (1) in subsection (s)(2)—

16 (A) in subparagraph (Z), by striking
 17 “and” after the semicolon at the end;

18 (B) in subparagraph (AA), by adding
 19 “and” after the semicolon at the end; and

20 (C) by adding at the end the following new
 21 subparagraph:

22 “(BB) additional preventive services (described
 23 in subsection (ccc)(1)(O));”; and

24 (2) by adding at the end the following new sub-
 25 section:

1 “Preventive Services

2 “(ccc)(1) The term ‘preventive services’ means the
3 following:

4 “(A) Prostate cancer screening tests (as
5 defined in subsection (oo)).

6 “(B) Colorectal cancer screening tests (as
7 defined in subsection (pp)).

8 “(C) Diabetes outpatient self-management
9 training services (as defined in subsection (qq)).

10 “(D) Screening for glaucoma for certain
11 individuals (as described in subsection
12 (s)(2)(U)).

13 “(E) Medical nutrition therapy services for
14 certain individuals (as described in subsection
15 (s)(2)(V)).

16 “(F) An initial preventive physical exam-
17 ination (as defined in subsection (ww)).

18 “(G) Cardiovascular screening blood tests
19 (as defined in subsection (xx)(1)).

20 “(H) Diabetes screening tests (as defined
21 in subsection (yy)).

22 “(I) Ultrasound screening for abdominal
23 aortic aneurysm for certain individuals (as de-
24 scribed in subsection (s)(2)(AA)).

1 “(J) Pneumococcal and influenza vaccine
2 and their administration (as described in sub-
3 section (s)(10)(A)).

4 “(K) Hepatitis B vaccine and its adminis-
5 tration for certain individuals (as described in
6 subsection (s)(10)(B)).

7 “(L) Screening mammography (as defined
8 in subsection (jj)).

9 “(M) Screening pap smear and screening
10 pelvic exam (as described in subsection (s)(14)).

11 “(N) Bone mass measurement (as defined
12 in subsection (rr)).

13 “(O) Additional preventive services (as de-
14 termined under paragraph (2)).

15 “(2)(A) The term ‘additional preventive serv-
16 ices’ means items and services, including mental
17 health services, not described in subparagraphs (A)
18 through (N) of paragraph (1) that the Secretary de-
19 termines to be reasonable and necessary for the pre-
20 vention or early detection of an illness or disability.

21 “(B) In making determinations under subpara-
22 graph (A), the Secretary shall—

23 “(i) take into account evidence-based rec-
24 ommendations by the United States Preventive

Services Task Force and other appropriate organizations; and

“(ii) use the process for making national coverage determinations (as defined in section 1869(f)(1)(B)) under this title.”.

(b) PAYMENT AND ELIMINATION OF COST-SHARING.—

(1) IN GENERAL.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(i) in clause (T), by striking “80 percent” and inserting “100 percent”;

(ii) by striking “and” before “(V)”;
and

(iii) by inserting before the semicolon at the end the following: “, and (W) with respect to additional preventive services (as defined in section 1861(ccc)(2)) and other preventive services for which a payment rate is not otherwise established under this section, the amount paid shall be 100 percent of the lesser of the actual charge for the services or the amount determined

1 under a fee schedule established by the
2 Secretary for purposes of this clause”.

3 (B) APPLICATION TO SIGMOIDOSCOPIES
4 AND COLONOSCOPIES.—Section 1834(d) of the
5 Social Security Act (42 U.S.C. 1395m(d)) is
6 amended—

7 (i) in paragraph (2)(C), by amending
8 clause (ii) to read as follows:

9 “(ii) NO COINSURANCE.—In the case
10 of a beneficiary who receives services de-
11 scribed in clause (i), there shall be no coin-
12 surance applied.”; and

13 (ii) in paragraph (3)(C), by amending
14 clause (ii) to read as follows:

15 “(ii) NO COINSURANCE.—In the case
16 of a beneficiary who receives services de-
17 scribed in clause (i), there shall be no coin-
18 surance applied.”.

19 (2) ELIMINATION OF COINSURANCE IN OUT-
20 PATIENT HOSPITAL SETTINGS.—

21 (A) EXCLUSION FROM OPD FEE SCHED-
22 ULE.—Section 1833(t)(1)(B)(iv) of the Social
23 Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is
24 amended by striking “screening mammography
25 (as defined in section 1861(jj)) and diagnostic

mammography” and inserting “diagnostic
mammography and preventive services (as de-
fined in section 1861(ccc)(1))”.

(B) CONFORMING AMENDMENTS.—Section
1833(a)(2) of the Social Security Act (42
U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking
“and” after the semicolon at the end;

(ii) in subparagraph (G)(ii), by adding
“and” at the end; and

(iii) by adding at the end the fol-
lowing new subparagraph:

“(H) with respect to additional preventive
services (as defined in section 1861(ccc)(2))
furnished by an outpatient department of a hos-
pital, the amount determined under paragraph
(1)(W);”.

(3) WAIVER OF APPLICATION OF DEDUCTIBLE
FOR ALL PREVENTIVE SERVICES.—The first sen-
tence of section 1833(b) of the Social Security Act
(42 U.S.C. 1395l(b)) is amended—

(A) in clause (1), by striking “items and
services described in section 1861(s)(10)(A)”
and inserting “preventive services (as defined in
section 1861(ccc)(1))”;



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1 (B) by inserting “and” before “(4)”; and

2 (C) by striking clauses (5) through (8).

3 (c) INCLUSION AS PART OF INITIAL PREVENTIVE

4 PHYSICAL EXAMINATION.—Section 1861(w)(2) of the

5 Social Security Act (42 U.S.C. 1395x(w)(2)) is amended

6 by adding at the end the following new subparagraph:

7 “(M) Additional preventive services (as de-

8 fined in subsection (cc)(2)).”.

9 (d) EFFECTIVE DATE.—The amendments made by

10 this section shall apply to services furnished on or after

11 January 1, 2008.

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